

Gordon & Rees LLP
633 West Fifth Street, Suite 4900
Los Angeles, CA 90071

MELVYN D. SILVER (SBN: 48674)
RUTH SILVER TAUBE (SBN: 169589)
SILVER & TAUBE
23580 Mt. Charlie Rd.
Los Gatos, CA 95033
Telephone: (408) 353-1868
Facsimile: (408) 353-2328
Email: MDSRST@cs.com
Attorneys for Plaintiff

RONALD K. ALBERTS (SBN: 100017)
LISA K. GARNER (SBN: 155554)
GORDON & REES LLP
633 West Fifth Street
Suite 4900
Los Angeles, CA 90071
Telephone: (213) 576-5000
Facsimile: (213) 680-4470
Email: ralberts@gordonrees.com
Email: lgarner@gordonrees.com
Attorneys for Defendants

PRUDENTIAL INSURANCE COMPANY
OF AMERICA, PILLSBURY WINTHROP LLP
EMPLOYEE LONG TERM DISABILITY PLAN, AND
PILLSBURY WINTHROP LLP EMPLOYEE TERM LIFE INSURANCE
COVERAGE PLAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELISA LOWY,

Plaintiff,

vs.

PRUDENTIAL INSURANCE COMPANY
OF AMERICA; PILLSBURY WINTHROP
LLP LONG TERM DISABILITY PLAN;
PILLSBURY WINTHROP LLP EMPLOYEE
TERM LIFE INSURANCE COVERAGE
PLAN,

Defendants.

CASE NO. C07 04357 JF PVT

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Judge: Jeremy Fogel
Courtroom: 3

Date: November 30, 2007
Time: 10:30 a.m.
Place: Courtroom 3

Pursuant to the Federal Rules of Civil Procedure Rule 26 and Civil Local
Rule 16-9, the parties hereby submit their Joint Case Management Conference
Statement:

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1. Jurisdiction and Service:

The parties believe that all proper parties have been served and do not anticipate joinder of additional parties. The parties agree that the United States District Court has federal subject matter jurisdiction over this action pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") and that venue is appropriate with the Northern District.

2. Facts:

This action involves a claim by Plaintiff Elisa Lowy to recover long term disability benefits pursuant to a Long Term Disability Plan ("Plan") issued by Plaintiff's employer Pillsbury Winthrop LLP. The Plan is regulated by the Employee Retirement Income Security Act of 1974, 29 U.S.C., section 1001, et. seq. ("ERISA"). Defendant Prudential Insurance Company of America ("Prudential") insured the Plan and also reviewed and administered claims brought under the Plan. After being provided with benefits for a period of time, Defendants denied further benefits, contending that Plaintiff was not entitled to them as defined under the terms of the Plan. Plaintiff contends that she is sufficiently disabled under the terms of the Plan and is therefore entitled to further benefits.

3: Legal Issues:

ERISA regulates employee benefit plans, such as the Long Term Disability Plan under which Plaintiff is seeking benefits. Whether Prudential's decision to deny coverage for Plaintiff's long term disability claim was appropriate is the sole issue in this case.

4. Motions:

None contemplated by the parties at this time.

5. Amendment of Pleadings:

Plaintiff intends to amend her complaint if this matter is not resolved at mediation to add a claim for reimbursement of benefits offset by Prudential by the

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1 amount of funds received by Plaintiff's son from the Social Security
2 Administration due to his mother's disability. The parties propose a deadline of
3 March 31, 2008 for amending the pleadings.

4 6. Evidence Preservation:

5 All reasonable steps have been taken by the parties to preserve evidence in
6 this matter.

7 7. Disclosures:

8 The parties believe that this matter is exempt from Rule 26 disclosures.
9 Prudential will provide the entire Administrative Record, including the Plan
10 documents, to Plaintiff's counsel no later than December 14, 2007.

11 8. Discovery:

12 The Parties do not contemplate any discovery. Defendants will provide the
13 Administrative Record to Plaintiff, with the appropriate bates labels, no later than
14 December 14, 2007. The Parties agree that because this is an ERISA matter,
15 expert witnesses are not appropriate.

16 9. Class Actions:

17 Not applicable.

18 10. Related Cases:

19 None.

20 11. Relief Sought:

21 Plaintiff seeks long term disability benefits from the date of termination of
22 benefits, reimbursement of amounts offset from disability benefits awarded to
23 Plaintiff's son by the Social Security Administration, costs and attorney fees.

24 12. Settlement and ADR:

25 The parties have agreed to a private mediation with mediator Michael Loeb
26 of JAMS and anticipate scheduling the mediation between January 15, 2008 and
27 February 7, 2008.

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13. Consent to Magistrate Judge:

The parties respectfully decline at this time to have a Magistrate Judge preside over these proceedings pursuant to 28 U.S.C. Section 636.

14. Other References:

The parties do not believe this case is suitable for reference.

15. Narrowing of Issues:

The parties anticipate this matter will be tried as a bench trial on the Administrative Record with trial briefs exchanged between the parties prior to the date of trial. Defendants will lodge the Administrative Record with the Court no later than 30 days before trial.

16. Expediated Schedule:

The parties assert this matter is appropriate for a waiver of the Court's pre-trial requirements, pursuant to Ninth Circuit precedent. The Parties agree that the matter should be decided on the basis of the Parties' trial briefs and the Administrative Record. *Kearney v. Standard Insurance Co.*, 175 F.3d 1084, 1090 (9th Cir. 1999) (en banc). The parties propose that Opening Trial briefs will be exchanged, then Responding Trial Briefs, then Reply Briefs, followed by a bench trial. Because the parties agree that the matter should be decided on the basis of the parties' trial briefs and the Administrative Record, they anticipate no longer than a half day bench trial.

17. Scheduling:

The parties hope to resolve this matter at mediation. The parties request that this Court schedule another Case Management Conference following the mediation, in approximately March of 2008. Prior to that time, the parties will confer and propose a trial briefing schedule and proposed trial date to the Court and will provide their joint proposal to the Court prior to the next Case Management Conference.

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18. Trial:

The parties anticipate a bench trial no longer than a one-half day.

19. Disclosure of Non-party Interested Entities:

By Plaintiff: None.

By Defendants: Defendants have filed the Certification of Interested Entities or Persons required by Civil Local Rule 3-16 and identified each of the Defendants as having a financial interest in the subject matter in controversy. Defendants do not know any non-party having an interest in this matter.

20. Other Matters:

The parties believe that the procedures proposed by them will facilitate a just, speedy and inexpensive disposition of this matter. Further, the parties

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1 stipulate to waive all pre-trial proceedings pursuant to *Kearney* and ask the Court
2 to enter an Order accordingly.

3 Respectfully submitted,

4 SILVER & TAUBE

5 Dated: November , 2007

6 By: /s/_____
7 Melvyn D. Silver, Esq.
8 Ruth Silver Taube, Esq.
9 Attorneys for Plaintiff
10 ELISA LOWY

11 GORDON & REES LLP

12 Dated: November , 2007

13 By: /s/_____
14 Ronald K. Alberts
15 Lisa K. Garner
16 Attorneys for Defendants
17 PRUDENTIAL INSURANCE
18 COMPANY OF AMERICA,
19 PILLSBURY WINTHROP LLP
20 EMPLOYEE LONG TERM
21 DISABILITY PLAN, AND
22 PILLSBURY WINTHROP LLP
23 EMPLOYEE TERM LIFE
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